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Security Council

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Identical letters dated 26 March 2001 from the Permanent Representative of Saudi Arabia to the United Nations addressed to the Secretary-General and to the President of the Security Council

The delegation of the Kingdom of Saudi Arabia to the United Nations has taken note of the identical letters dated 5 February 2001 from the Chargé d'affaires a.i. of the Permanent Mission of Iraq to the United Nations addressed to the Secretary-General and to the President of the Security Council that were circulated in document S/2001/117 of 7 February 2001, and it would like to state the facts set forth hereunder in their regard.

The delegation of Saudi Arabia expresses its deepest gratitude and appreciation to the Secretary-General of the United Nations and all its Member States for the efforts they have made: to address issues relating to Kuwaiti and third-country prisoners, detainees and missing persons in Iraq, most recently with the appointment by the Secretary-General of Ambassador Yuli M. Vorontsov as high-level coordinator for the repatriation of Kuwaitis and third-country nationals or of their mortal remains in Iraq, in accordance with the relevant resolutions; to monitor Iraq's fulfilment of the obligations imposed by the resolutions in question for the enhancement of security, peace and stability and of its obligations under international humanitarian law; and to urge a rapid solution to the problem of Kuwaiti and third-country prisoners and missing persons in cooperation with the International Committee of the Red Cross (ICRC).

The delegation of Saudi Arabia affirms the Kingdom's support for any position adopted, any role assumed and any effort made that may be conducive to addressing issues relating to the prisoners, detainees and missing persons in Iraq who are of Saudi, Kuwaiti and other nationalities. This is for humanitarian considerations and accords with all relevant resolutions stipulating that Iraq must release the prisoners and detainees, must cooperate in establishing the fate of the missing of all nationalities, under the auspices of ICRC, and must meet all of its international obligations and resume participation in the meetings of the Tripartite Commission and the Technical Subcommittee on this matter.

The delegation of Saudi Arabia affirms the commitment of the Kingdom to international humanitarian law and to the four Geneva conventions that seek to enhance the dignity, security and integrity of human beings and to secure their rights and freedoms and protect them from attack.

The delegation of Saudi Arabia is of the view that the conduct of Iraq during the time of its invasion and occupation of Kuwait, its violations of these

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conventions, the detention of hundreds of civilians of various nationalities, thus endangering their lives and violating their human dignity, and the continued detention of large numbers of prisoners and detainees of Kuwaiti, Saudi and other nationalities although some 10 years have elapsed since the liberation of Kuwait are totally incompatible with the relevant resolutions, with the prescriptions and worthy principles of the four Geneva conventions and with international humanitarian law.

The Kingdom of Saudi Arabia has participated in all the meetings of the Tripartite Commission and the Technical Subcommittee that discuss issues relating to prisoners, detainees and missing persons of Saudi, Kuwaiti and other nationalities in Iraq under the auspices of ICRC and with Iraq's participation, and it has done so with a view to achieving a satisfactory solution to a humanitarian issue that is of very long standing.

Iraq has not, however, responded to any of the efforts made in this connection and has not translated the promises it has made into concrete reality. It has not provided the positive information required to demonstrate its seriousness in devising solutions to this humanitarian predicament. The humanitarian efforts being made by Saudi Arabia, Kuwait and the other countries that are members of the Commission and the Subcommittee were also thwarted by Iraq's withdrawal from and boycott of their work and endeavours in January 1999, which took place without convincing justification and is to be regarded as a flagrant violation of the relevant resolutions and of international humanitarian law.

In the matter of the Saudi pilot Muhammad bin Salih Nadirah, whose plane was shot down on 13 February 1991, the true state of affairs is that Saudi Arabia continued to follow up his case, together with others, at the meetings of the Tripartite Commission and the Technical Subcommittee that have discussed issues relating to prisoners and missing persons since they were established after the liberation of Kuwait, with a view to establishing his fate on humanitarian grounds.

However, the efforts made by Saudi Arabia over a 10-year period were thwarted by Iraq's varying and contradictory accounts, which ranged from outright denial of any knowledge of his fate, to a subsequent claim that he had been rescued by coalition forces and returned to Saudi Arabia, to confirmation that his plane had been shot down and (after his body had been found in an Iraqi minefield) that he had been killed, and then to the claim that he had died in the crash and his remains had been buried by a member of the Iraqi armed forces. All of the aforesaid contradictory accounts reveal the true nature of Iraq's attitude with respect to this humanitarian issue.

Iraq's claim that it learned the fate of the Saudi pilot on 30 April 1997, more than six years after his plane was brought down, and then its claim that, after some 10 years, it had cooperated in the return of his remains on 24 October 2000 are no more than an attempt to cover up the basic issues, which are those relating to the prisoners, detainees and missing persons of Saudi, Kuwaiti and other nationalities of whose fate and of the location of the remains of those who have died it claims to know nothing.

There can be no doubt that Iraq's disclosure of these remains after such a long period of time, some 10 years, has provided it with sufficient opportunity to erase many of the facts relating to the manner in which the pilot died and to alter many of the features of the crash site by moving the wreckage from the site to other places in

Iraq. It has refused to hand the wreckage over to the Saudi side for examination in order to determine the circumstances of the crash, which would undoubtedly help to identify many of its causes as well as its outcome and the cause of death of the pilot.

This reveals the true nature of the positions maintained by Iraq and is an attempt to exploit a humanitarian issue for political purposes and an endeavour to ignore the relevant resolutions and international humanitarian law.

In another respect, Saudi Arabia and the other countries that are members of the Tripartite Commission and the Technical Subcommittee on matters relating to prisoners, detainees and missing persons have responded positively to Iraq's proposals concerning its claims regarding Iraqi missing persons and, on humanitarian grounds, have accepted Iraqi dossiers through ICRC. Saudi Arabia received most of them in June and August 2000, and they are still being examined by the Saudi authorities. It should be remarked, however, that Iraq's withdrawal from the Commission and the Subcommittee has halted the exchange of information between the two sides that could have assisted the search and inquiry process among the other parties attempting to achieve concrete results.

In this context, Iraq knows perfectly well that the Government of Saudi Arabia has cooperated in the work of the Tripartite Commission and the Technical Subcommittee on matters relating to prisoners, detainees and missing persons. This is illustrated by the fact that, at the end of the war for the liberation of Kuwait, the Kingdom returned 70,246 prisoners to Iraq under the supervision of ICRC. We emphasize in this context that Saudi Arabia has no Iraqi prisoners or detainees and that there are no Iraqi missing persons in its territory.

Those Iraqis who are present in our territory are refugees who have the absolute freedom to return voluntarily to Iraq whenever they should wish to do so. Those who refuse to return to Iraq have unrestricted freedom to settle in other countries under the auspices of the Office of the United Nations High Commissioner for Refugees. The role of the Saudi Government in this matter is limited to providing a safe haven and economic, educational, social and religious services and health care on a fraternal and humanitarian basis.

In another respect, the members of the Tripartite Commission have undertaken to provide ICRC with detailed maps showing the places of burial inside Iraqi territory of the remains of a large number of Iraqi soldiers who were killed in the battles for the liberation of Kuwait. The efforts they have made, however, have also been thwarted by Iraq's withdrawal from the Tripartite Commission and the Technical Subcommittee, which discuss issues relating to Iraqi missing persons. The Iraqi authorities have, moreover, been unable to establish principles for guidance in identifying the remains of Iraqi soldiers as a first step that may contribute to establishing the fate of missing Iraqis.

Accordingly, the delegation of Saudi Arabia expresses the hope that Iraq will again cooperate in a serious manner with a view to devising a solution to the problems of prisoners, detainees and missing persons of Kuwaiti, Saudi and other nationalities as well as missing Iraqis and that it will do so by resuming its participation in the meetings of the Tripartite Commission and the Technical Subcommittee on matters relating to prisoners, detainees and missing persons together with all the other parties. Under the auspices of ICRC, the efforts of all and whatever information they may have will be needed if the prisoners and detainees

are finally to return to their kith and kin and if there is to be an end to human suffering that has gone on for almost 10 years.

The Saudi delegation would welcome any international initiative to support the efforts that have been made and that may be conducive to the achievement of the humanitarian goals involved by securing the release of the prisoners and detainees and establishing the fate of those missing in Iraq.

I should be grateful if you would have this letter circulated as a document of the Security Council.

(*Signed*) Fawzi Bin Abdul Majeed **Shobokshi**
Ambassador
Permanent Representative

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Security Council

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Letter dated 22 March 2001 from the Secretary-General addressed to the President of the Security Council

I have the honour to refer to the United Nations Peacekeeping Force in Cyprus (UNFICYP).

The Governments of Austria and Slovenia had informed me some time ago that they would be withdrawing their troops from UNFICYP by September 2001. Following the usual consultations, it is my intention to accept the offer of Slovakia to replace the Austrian and Slovenian troops.

I should be grateful if you would bring this matter to the attention of the members of the Security Council.

(*Signed*) Kofi A. **Annan**

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Letter dated 27 March 2001 from the President of the Security Council addressed to the Secretary-General

I have the honour to inform you that your letter dated 22 March 2001 (S/2001/275) concerning your intention to accept the offer of Slovakia to replace the Austrian and Slovenian troops following their withdrawal from the United Nations Peacekeeping Force in Cyprus (UNFICYP) by September 2001 has been brought to the attention of the members of the Security Council. They take note of your intention contained in your letter.

(*Signed*) Volodymyr **Yel'chenko**
President of the Security Council

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General Assembly
Security Council

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General Assembly
Fifty-fifth session
Agenda items 40, 56 and 94

The situation in the Middle East

Consequences of the Iraqi occupation of and aggression against Kuwait

Sustainable development and international economic cooperation

Security Council
Fifty-sixth year

Letter dated 20 March 2001 from the Permanent Representative of Bahrain to the United Nations addressed to the Secretary-General

I have the pleasure of enclosing the final declaration of the seventy-eighth session of the Ministerial Council of the Cooperation Council for the Gulf Arab States, as well as a declaration of the Council concerning the ruling of the International Court of Justice on the border dispute between Bahrain and Qatar (see annexes I and II).

I would appreciate it if the present letter and its annexes were issued as a document of the General Assembly, under items 40, 56 and 94, and of the Security Council.

(*Signed*) Jassim M. **Buallay**
Ambassador
Permanent Representative

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Annex I to the letter dated 20 March 2001 from the Permanent Representative of Bahrain to the United Nations addressed to the Secretary-General

Press communiqué issued by the Ministerial Council of the Gulf Cooperation Council at its seventy-eighth session, held in Riyadh on 17 March 2001

[Original: Arabic]

On Saturday, 22 March 2001, the Ministerial Council of the Gulf Cooperation Council (GCC) held its seventy-eighth regular session at the seat of its secretariat in Riyadh under the chairmanship of His Excellency Mr. Abd al-Aziz Muhammad al-Fadil, Minister of Education of the State of Bahrain. The meeting was attended by:

His Excellency Mr. Rashid Bin Abdullah al-Nuaimi, Minister for Foreign Affairs of the United Arab Emirates;

His Royal Highness Prince Saud al-Faisal, Minister for Foreign Affairs of Saudi Arabia;

His Excellency Mr. Yousef Bin Alawi Bin Abdullah, Minister responsible for Foreign Affairs of Oman;

His Excellency Sheikh Hamad Bin Jassem Bin Jabr Al Thani, Minister for Foreign Affairs of Qatar; and

His Excellency Sheikh Sabah Al-Ahmad Al-Jaber Al-Sabah, First Deputy Prime Minister and Minister for Foreign Affairs of Kuwait.

His Excellency Sheikh Jamil Ibrahim Al-Hujeilan, GCC Secretary-General, also participated in the meeting.

The Ministerial Council welcomed the historic outcome of the referendum on the Charter of National Action in Bahrain, which expressed national cohesion as well as popular support for and mass approval of all the worthy measures and policies of His Highness Sheikh Hamad Bin Isa Al Khalifa, Amir of Bahrain, thus bolstering the process of modernization and development and the building of a bright future for the State of Bahrain and the advancement of its citizens.

The Council expressed support for the resolute measures taken by the Kingdom of Saudi Arabia to end the recent hijacking incident involving a Russian aircraft, thus saving the lives of innocent passengers.

The Council expressed its support for this resolute approach to coping with acts of terrorism, which accords with the positions taken by GCC member States in rejecting and condemning acts of terrorism in whatever shape or form.

The Ministerial Council then reviewed the outcome of the meetings of a number of ministerial and technical committees held for the purpose of promoting joint action as well as the major developments that had taken place in connection with political issues and events at the regional, inter-Arab and international levels.

Cooperation

Economic affairs

The Council examined the progress made in economic cooperation on the basis of the minutes of the meetings of the GCC ministerial committees, and it reviewed the recommendations and decisions of the committees and the relevant reports submitted to it.

The Council inspected the minutes of the nineteenth meeting of the committee on industrial cooperation, where agreement had been reached on the amended model normative regime for industrial organization in the GCC States, and the minutes of the tenth meeting of the committee on scientific and cultural cooperation.

The Council further considered the minutes of the twelfth meeting of the committee on agricultural and hydrological cooperation and those of the joint meeting of the latter committee and the committee for cooperation on electric power. It took note of their conclusions on water-related issues and on the rationalization of water use. The Council also reviewed the recommendations contained in the minutes of the fifty-third meeting of the committee on financial and economic cooperation and the twenty-seventh meeting of the committee on commercial cooperation concerning the elimination of restraints on trade and the enhancement of economic integration among member States.

The Council examined the minutes of the sixth meeting of ministers of housing and the recommendations made with respect to cooperation in the housing sector, and it studied the fourteenth annual report, that for 1998, of the GCC Board of Standards.

The Council heard a presentation by the coordinator of negotiations on new developments and progress made in negotiations and economic dialogue between the GCC countries and other countries and international economic groupings. It took note of the report of the secretariat on the tenth round in the economic dialogue between the GCC countries and the United States of America and on the new round of negotiations between the GCC countries and the European Union with a view to concluding a free trade agreement between the two parties.

Welcoming the eleventh meeting of the joint GCC-European Union ministerial meeting to be held in Bahrain on 23 April 2001, the Ministerial Council is hopeful of positive results that will help expedite the conclusion of a free trade agreement between the GCC countries and the European Union and strengthen cooperation between them in all fields.

The GCC Patent Office

The Council agreed to form a complaints board in the GCC Patent Office to be established under the GCC patent regime to consider complaints about any of its decisions.

Man and the environment

The Council considered the progress made in joint action in matters concerning culture, youth, sports, social affairs and health. The activities in question included: follow-up action on the translation and copyright project; cooperation in the field of antiquities and museums; the programming of joint cultural activities;

the decision of the Supreme Council to increase employment opportunities for citizens, facilitate the mobility of national manpower and extend social security coverage to GCC nationals working outside their own countries; the approval of sports, social, cultural and informational programmes; follow-up action on measures to prevent the spread of infectious diseases among the GCC countries; issues relating to joint bulk purchases of pharmaceuticals and customs duties on tobacco and tobacco products; and the organization of a number of seminars and workshops.

Legal matters

The Ministerial Council considered and took note of the decisions taken by the GCC ministers of justice, at their twelfth meeting on judicial and legal cooperation, concerning: approval of the draft standard rules on alternatives to imprisonment and their designation as the "Riyadh Document on Standard Rules for Alternatives to Imprisonment"; the draft standard juvenile code and the draft standard code on the legal profession; and other areas of cooperation and coordination.

Military matters

The Council considered the steps taken and meetings held in the light of the decisions taken by the ministers of defence at their nineteenth meeting, and it expressed its satisfaction at the progress made and stressed the need to follow through on all related aspects.

Political issues

The Council discussed developments in the context of Iraq's compliance with the Security Council resolutions relating to the situation between Iraq and Kuwait and the consequences of its occupation of Kuwait.

The Council expressed strong condemnation and denunciation of the Iraqi political message that had been voiced by a number of senior Iraqi officials and of its arrogance towards and intimidation of the State of Kuwait and the Kingdom of Saudi Arabia.

Such statements by Iraqi officials do nothing to help bring security and stability to the region. The Council urged the Iraqi Government to desist from such campaigns and such threats and to demonstrate its good faith in both word and deed.

In its concern to create appropriate conditions for the achievement and consolidation of security, peace and stability in the Gulf region, the Council renewed its call to Iraq to discharge in full its obligations under the Security Council resolutions relating to cooperation with the International Committee of the Red Cross and the Tripartite Commission in devising an expeditious and definitive solution to the problem of Kuwaiti and third-country prisoners and hostages and to return all of the Kuwaiti property in its possession. The Council also urged Iraq to resume its cooperation with the United Nations in order to bring the outstanding issues relating to weapons of mass destruction and monitoring systems to a conclusion. It called upon Iraq and the Security Council to engage in an exhaustive dialogue with a view to the discharge of these obligations in a just and comprehensive manner and in accordance with sound principles as a step towards the lifting of sanctions.

The Council stressed that Iraq must undertake to respect the security, independence, sovereignty and territorial integrity of Kuwait and that it must take all necessary steps to demonstrate its peaceful intentions towards the GCC countries if the region's security and stability are to be assured.

The Council once again affirmed that it continued to welcome and to be prepared to participate in all humanitarian initiatives to mitigate the suffering of the Iraqi people. It stressed its resolve that the efforts of the GCC countries to alleviate this suffering within the framework of the relevant resolutions would be maintained.

The Council affirmed that the independence, unity and territorial integrity of Iraq must be respected and that there must be no interference in its internal affairs.

The Ministerial Council studied the mandate entrusted to it by the Supreme Council to examine all available peaceful means that might be conducive to the restoration to the United Arab Emirates of its legitimate rights in its three islands, namely the Greater Tunb, the Lesser Tunb and Abu Musa, that are still being occupied by the Islamic Republic of Iran. It was of the view that Iran's rejection of the many peace initiatives advanced to resolve the issue of the three islands, and most recently the efforts of the GCC Committee of Three, is not in accord with Iran's declared desire for dialogue and the elimination of tension, does not advance security and stability in the Arabian Gulf and impedes the improvement of relations between the two sides. The Ministerial Council is, accordingly, still deeply engaged in discussing this remit.

The Council objects in the strongest terms to Iran's preparations to build dwellings on the three islands for purposes of their settlement with a view to altering their demographic composition, in violation of the relevant 1949 Geneva Convention, and it demands a halt to the construction of such installations.

The Council reaffirmed its support for the claim of the United Arab Emirates to the three islands occupied by the Islamic Republic of Iran, namely the Greater Tunb, the Lesser Tunb and Abu Musa, and its rejection of the continued occupation by the Islamic Republic of Iran of the three islands belonging to the United Arab Emirates. It affirms the full sovereignty of the United Arab Emirates over the three islands as an integral part of the country, the fact that it retains all of its rights in respect of those islands, and the Council's non-recognition of any sovereignty other than that of the United Arab Emirates over its three islands, their territorial waters, their airspace and the related continental shelf and exclusive economic zone.

The Council condemns Iran's encroachments and the military exercises that it conducts on the three islands belonging to the United Arab Emirates and in their territorial waters, and it urges Iran to desist from conducting such exercises given that they are acts of provocation that pose a threat to security and stability in the Arabian Gulf region, constitute a source of great concern and are unhelpful in building confidence.

The Council supports all the steps being taken by the United Arab Emirates to restore its sovereignty over all three islands by peaceful means, in accordance with the principle of the collective security of the GCC countries. It exhorts the Islamic Republic of Iran to agree to refer the dispute to the International Court of Justice as the body that is competent to resolve boundary disputes between States, especially since the United Arab Emirates has declared in advance that it will accept any Judgment delivered by the International Court of Justice in the dispute in question.

Many States have placed their trust in the International Court of Justice for the resolution of their boundary disputes, and Iran itself has approached the Court on more than one occasion in advancing its claims.

The Ministerial Council reviewed the Israeli practices of aggression against the Palestinian people, especially the escalation against towns, villages and camps, and the policy of closures and economic and political blockade being pursued by Israel against the fraternal Palestinian people demanding the restoration of its legitimate rights, including the right of return and its right to establish an independent State with Jerusalem as its capital. As it expresses its condemnation of these assaults and of the use of such unilateral measures, the Ministerial Council urges the Security Council to provide international protection to the Palestinian people against such aggression, and it reiterates its firmly established and publicly declared position on the establishment of a comprehensive and just peace in the region on the basis of the resolutions that embody international legitimacy, specifically Security Council resolutions 242 (1967) and 338 (1973), and the principle of land for peace.

The Council affirms that a just and comprehensive peace can only be achieved with the restoration to the Palestinian people of all of its legitimate rights and the establishment of an independent Palestinian State with Jerusalem as its capital. In this connection, the Council expressed its condemnation of the statements recently made by the United States Secretary of State to the effect that Jerusalem is to be regarded as the capital of Israel, which statements are incompatible with the resolutions that embody international legitimacy, given, in particular, that the United States is a sponsor of the peace process. The Council reaffirms that Israel must withdraw fully from the occupied Syrian Golan Heights to the line of 4 June 1967, must complete its withdrawal from Lebanese territory, including the Shab'a farmlands, to the internationally recognized boundary in accordance with Security Council resolutions 425 (1978) and 426 (1978), and must release all the Lebanese prisoners and abductees being held in Israel's prisons.

The Council expresses the hope that the international endeavours currently under way and, in particular, the role that can be played by the United States of America will put the peace efforts back on track. It affirms its support for the Palestinian negotiators, and it appeals to the international community to make greater efforts to bring pressure to bear on the Israeli side and to require it to abide by the principles endorsed by the Madrid Peace Conference so that all legitimate Arab rights may be restored.

The Council again calls upon the international community to take action to transform the Middle East region, including the Gulf, into a zone free of all weapons of mass destruction, including nuclear weapons. The Council affirms once more that Israel must accede to the Treaty on the Non-Proliferation of Nuclear Weapons and submit all its nuclear facilities to the International Atomic Energy Agency inspection regime.

The Ministerial Council expresses its gratitude and appreciation for the endeavours of His Excellency Major General Falih Abd Allah al-Shatti, Assistant Secretary-General for military affairs, during his period of service with the Gulf Cooperation Council, and it wishes him continued success. The Council welcomes the appointment of His Excellency Major General Ali bin Salim al-Ma'mari as Assistant Secretary-General for military affairs for a three-year term with effect from 1 April 2001, and it wishes him success in the post.

Annex II to the letter dated 20 March 2001 from the Permanent Representative of Bahrain to the United Nations addressed to the Secretary-General

[Original: Arabic]

Statement issued on 17 March 2001 by the Ministerial Council of the Gulf Cooperation Council on the occasion of the delivery by the International Court of Justice of its Judgment in the case concerning Maritime Delimitation and Territorial Questions between Qatar and Bahrain

At the commencement of its seventy-eighth session, the Ministerial Council conveyed its warmest compliments and congratulations to His Highness Sheikh Hamad Bin Isa Al Khalifa, Amir of Bahrain, and His Highness Sheikh Hamad Bin Khalifa Al Thani, Amir of Qatar, on the occasion of the definitive settlement of the boundary dispute between the two fraternal countries with the delivery by the International Court of Justice yesterday at The Hague of its Judgment in the case.

The Council further expressed its great happiness and satisfaction at an important and historic event that will significantly open the way to enhancing all aspects of cooperation between the two countries as a reflection of the reality of their family ties and common destiny. It will help to strengthen and develop fraternal relations between them and will open a new and splendid page for concord between the two countries, thus advancing their cohesion at every level and the achievement of the aspirations of the two peoples for a common life based on continued cooperation for their own good and that of the peoples of the GCC countries.

The Council also expressed its appreciation to the two leaders for the sincere efforts they made to achieve this historic resolution and expressed its full confidence that the wisdom and ability that distinguish each of Their Highnesses will have the greatest impact on the advancement of the joint interests of their two countries.